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CR 100 SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. NO. 2707 /2005.

PETITIONER

RUCHI SURANA, D/o Kailash Surana, Aged about 19 years, R/o 'Surana Sadan', 19, Vivekanand Nagar, Raipur (C.G.).

2707/05 Presented by Shri. D.P. Surana dated 21-6-05

VERSUS

RESPONDENTS

1. STATE OF CHHATTISGARH, Through Chief Secretary, Office situated at Secretariate Raipur (C.G.).

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2. Secretary, Education Department, Office situated at Secretariate Raipur (C.G.)

3. Secretary, Chhattisgarh Board of Secondary Education, Raipur, Office situated at Secretariate Raipur, (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS/PROHIBITION/CERTIORARI/ DIRECTION/DIRECTIONS,ORDER/ORDERS.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP(S) 2707 सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29-6-2005

Shri N.S. Dhurandhar, counsel for the petitioner.

Shri Sandeep Dubey, Govt. Advocate for the State/respondents No.1 and 2.

Shri H.B. Agrawal, Sr. Advocate with Ms. Sangeeta Mishra, Advocate for respondent No.3.

Heard.

The petitioner has preferred this writ petition under Article 226 of the Constitution of India. The main grievance of the petitioner is that the marks awarded to her in the P.M.T. Examination, 2005 are much less than what she was expecting looking to her performance and answers given by her in the answer sheet.

The case of the petitioner is that she has been a brilliant student through out her educational career. In the High School Examination she secured 81.8% marks which is evident from Annexure-A/2. In the Higher Secondary Examination she secured 73% marks.

Further case of the petitioner is that she appeared in the P.M.T. Examination, 2005 with full preparation and she answered all the questions correctly and, therefore, she was sure and confident that she will secure more marks, but she has been awarded less marks than her expectation in almost all the subjects.

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..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

It is admitted position that there is no provision in the rules regarding re-evaluation of the answer sheets. Moreover, the averments made in the petition are about expectation of the petitioner as per the answers given by her in the answer sheet. As far as past educational career is concerned, looking to the marks obtained by the petitioner in the 10th Board Examination and 12th Board Examination it cannot be said that she is an extraordinary brilliant student but she was a mediocre student. Apart from that, the petitioner should not forget that the Pre-Medical Test was a competitive examination and limited numbers of seats were there and for that students were to be selected on the basis of their merit. Therefore, there is every chance that other students must have performed better than the petitioner and that is why the petitioner was not able to secure position in the merit list. Moreover, the petitioner has not been able to bring on record any material which makes the petitioner's case an exceptional case, which warrants the interference by this Court while invoking extraordinary jurisdiction under Article 226 of the Constitution of India.

When there is no provision regarding re-evaluation, in the normal circumstances, the petitioner is not entitled for re-evaluation. In this connection, the Hon'ble Apex Court in the matter of PRAMOD KUMAR SRIVASTAVA V. CHAIRMAN, BIHAR PUBLIC SERVICE

(पीछे देखिये)

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

COMMISSION, PATNA AND OTHERS reported in 2004 AIR SCW 4541 held that '*in the absence of any provision in rules for re-evaluation of answer books-No candidate is entitled to seek re-evaluation of answer books*'.

Therefore, I am of the opinion that in view of the facts mentioned in the petition, the petitioner has not been able to make out a case for interference by this Court and directing for re-evaluation of the answer sheet of the petitioner.

However, before parting with this order, I would like to observe that repeatedly such petitions are being filed by the students every year raising doubts about the evaluation system of the Board. Looking to the successive petitions which are being filed questioning the evaluation system of the Board, it is imperative that the Board must devise a transparent system whereby the candidates/students can know about their merit and performance at the examination. By devising a system, the Board's image will be enhanced, the student community will have more faith and confidence in the examination system, and the Board will not be unnecessarily dragged into the litigation repeatedly. The Board authorities should bear in mind that they are occupying the public post and, therefore, they are required to devise some system so that the student/candidate's grievances are redressed by adopting some

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transparent method in the examination system. It is common knowledge that now the students have become more vigilant about their performance at the examination. In my opinion, the Board can devise a system whereby the student can be allowed to take carbon copy of answer sheet, as per the practice prevalent for Pre-Medical Test for evaluation of the answer papers (Optical Mark Reader Sheet). The candidate is required to answer the question by filling one circle out of 4 circles given in the answer sheet by Hard Black Pencil and that is scanned by the Electronic Scanner for the purpose of evaluation. Therefore, it is not difficult for the Board to allow the candidate to take carbon copy of the answer sheet and for allowing to take copy of answer sheet, the Board can while preparing the answer sheet attach one additional similar answer sheet with a carbon between the two answer sheets and whatever answer will be given by the candidate in the main first answer sheet will automatically be marked on the second copy by the carbon. While taking carbon copy the student will be able to know his performance at the examination. Apart from that, the Board should also publish the model answers of the questions within 7 days of the examination in order to enable the candidates/ students to assess their performance at the examination on the basis of carbon copy given to them. This is not a new system and I am told that such a system is

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..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —5—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

prevalent in many States. In my opinion, this system will desist the students from filing such petitions. It will also be beneficial for the students to know their performance and merit at the examination and to prepare for the future examination accordingly, if the student is able to know his/her performance at the examination, then he/she can also take appropriate decision about his/her future career.

In view of the above, I direct the Chairman, Secondary Board of the Examination, Chhattisgarh to devise a system in order to overcome the difficulty which is being faced by the students. However, if the Board reaches to the conclusion that any better transparent system can be devised in comparison to what has been suggested above, then the Board can devise the system.

With the observation aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.2239/2005 and I.A. No.5388/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve

(पीछे देखिये)